

REMARKS

Claims 1-86 remain pending in the application, with claims 31-55 and 67-85 withdrawn from consideration by a Restriction Requirement.

Pending Claims

The Examiner indicated claims 1-30, 56-65 and 86 are pending in the application (See Office Action Summary). However, as discussed below, Applicants have not canceled claims 31-55 and 66-85. The Applicants respectfully request the Examiner to correct the indication of claims 1-86 as pending in the subject application.

Election/Restriction

The Examiner alleged that a "proper response would have included cancellation of claims to a non-elected invention." (See Office Action page 2).

There is no statutory nor MPEP requirement that Applicants are aware of requiring Applicants to cancel non-elected claims subject to a restriction requirement. The Applicants will cancel the non-elected claims upon issuance of a Notice of Allowance for elected claims 1-30, 56-65 and 86.

Claims 1-6, 8-17, 23-27, 30, 56-66 and 86 over Jamtgaard

In the Office Action, claims 1-6, 8-17, 23-27, 30, 56-66 and 86 were rejected under 35 U.S.C. §102(e) as allegedly being anticipated by U.S. Patent No. 6,430,624 to Jamtgaard et al. ("Jamtgaard"). The Applicants respectfully traverse the rejection.

Claims 1-6, 8-17, 23-27, 30, 56-66 and 86 recite a system and method of session managing to examine data content communicated between a device and a content provider and to identify and return state-based information comprising at least one of a hypertext history and a session token based on interactions between the device and the content provider.

Jamtgaard discloses an XML engine that converts an XHTML page to a proprietary markup language RML using a rule-set (See col. 7, lines 48-51). An XSL rule-set specifies what pieces of content to display on vary appliances as

well as the relational structure among those pieces of content and a perl script (See Jamtgaard, col. 7, lines 52-56). A layout engine processes content to convert relational RML content into device and protocol specific mark-up language formats (See Jamtgaard, col. 8, lines 4-6). A class attribute allows different levels of content to be presented to different classes of devices (See Jamtgaard, col. 14, lines 17-18). An intelligent harvester not only grabs content from a web site, but also allows any functionality of that site to be enabled on that target information appliance or device (See Jamtgaard, col. 5, lines 30-38). This enabled functionality may include, for example, forms, transactions, javascripts, cookies, session data and security measures (See Jamtgaard, col. 5, lines 38-40). This enabled functionality is possible due to a virtual browser that provides, for example, javascript and cookie proxy engines, so that an information appliance that cannot support javascript may do so with the javascript being executed on the translation server (See Jamtgaard, col. 5, lines 40-45).

Thus, Jamtgaard discloses at col. 5, lines 27-53 a translation server that includes a virtual browser for executing web content that an information appliance cannot execute. However, Jamtgaard fails to mention any use of hypertext history and a session token, much less disclose or suggest examining data content communicated between a device and a content provider and to identify and return state-based information comprising at least one of a hypertext history and a session token based on interactions between the device and the content provider, as recited by claims 1-6, 8-17, 23-27, 30, 56-66 and 86.

A benefit of examining data content communicated between a device and a content provider and to identify and return state-based information comprising at least one of a hypertext history and a session token based on interactions between the device and the content provider is, e.g., allowing tracking of a session for processing. Returning at least one of a hypertext history and a session token allows a device that normally lacks such features with a particular application to have full access to features that are related to a hypertext history and a session token. The cited prior art fails to disclose or suggest the claimed features having such benefits.

Accordingly, for at least all the above reasons, claims 1-6, 8-17, 23-27, 30, 56-66 and 86 are patentable over the prior art of record. It is therefore respectfully requested that the rejection be withdrawn.

Claims 7 and 29 over Jamtgaard in view of Vange

In the Office Action, claims 7 and 29 were rejected under 35 U.S.C. §103(a) as allegedly being obvious over Jamtgaard in view of U.S. Patent Publication No. 2002/0002602 to Vange et al. ("Vange"). The Applicants respectfully traverse the rejection.

Claims 7 and 29 are dependent on claims 1 and 9, and are allowable for at least the same reasons as claims 1 and 9.

Claims 7 and 29 recite a system and method of session managing to examine data content communicated between a device and a content provider and to identify and return state-based information comprising at least one of a hypertext history and a session token based interactions between the device and the content provider.

As discussed above, Jamtgaard fails to disclose or suggest a system and method of session managing to examine data content communicated between a device and a content provider and to identify and return state-based information comprising at least one of a hypertext history and a session token based interactions between the device and the content provider, as recited by claims 7 and 29.

The Office Action relies on Vange to allegedly make up for the deficiencies in Jamtgaard to arrive at the claimed invention. The Applicants respectfully disagree.

The Applicants previously argued that the Examiner provides no prima facie evidence that the cited passages in Vange at page 9, paragraph 0091; page 10, paragraphs 0096 and 0097; and page 9, paragraph 0089 (Office Action at 9) are all contained within any of the provisional applications.

The Examiner alleges that Applicant is able to order copies of provisional applications referenced by Vange under 37 CFR 1.14(a)(1)(iv).

However, 37 CFR 1.14(a)(1)(iv) is related to obtaining access to an abandoned application. A provisional application is NOT an application for patent AND never becomes abandoned. The Applicants AGAIN respectfully request that if the Examiner continues to rely on subject matter within any of the provisional applications bearing an earlier filing date than the present application, then such provisional application must be formally cited, and the Applicant must be given a copy of such provisional application to have the ability to respond thereto.

Moreover, even if such provisional application were to contain the subject matter cited by the Examiner at page 9, paragraph 0091; page 10, paragraphs 0096 and 0097; and page 9, paragraph 0089, Vange still fails to disclose, teach or suggest the present invention.

In particular, the claims of the present application requires an examination of data to identify and return state-based information comprising at least one of a hypertext history and a session token based on interactions between a device and a content provider.

Vange discloses a method and system for connecting a plurality of servers to a plurality of clients (Vange, Abstract), with no mention of session managing. Thus, Jamtgaard modified by the disclosure of Vange would still fail to disclose, teach or suggest a system and method wherein an examination of data to identify and return state-based information comprising at least one of a hypertext history and a session token based on interactions between the device and the content provider, as recited by claims 7 and 29.

Accordingly, for at least all the above reasons, claims 7 and 29 are patentable over the prior art of record. It is therefore respectfully requested that the rejection be withdrawn.

Claims 18-22 over Jamtgaard in view of Nielson

In the Office Action, claims 18-22 were rejected under 35 U.S.C. §103(a) as allegedly being obvious over Jamtgaard in view of U.S. Patent No. 5,899,975 to Nielson ("Nielson"). The Applicants respectfully traverse the rejection.

Claims 18-22 are dependent on claim 9, and are allowable for at least the same reasons as claim 9.

Claims 18-22 recite a system and method of session managing to examine data content communicated between a device and a content provider and to identify and return state-based information comprising at least one of a hypertext history and a session token based interactions between the device and the content provider.

As discussed above, Jamtgaard fails to disclose or suggest session managing to examine data content communicated between a device and a content provider and to identify and return state-based information comprising at least one of a hypertext history and a session token based on interactions between the device and the content provider, as recited by claims 18 and 22.

The Office Action relies on Nielson to allegedly make up for the deficiencies in Jamtgaard to arrive at the claimed invention. The Applicants respectfully disagree.

Nielson is relied on to disclose two style sheets that are selected and applied independently to a second data at Nielson, col. 7, lines 31-36, and the capabilities of style sheets adding additional functionality and a much more pleasing and semantically consistent presentation for a user at col. 1, lines 54-57 and col. 8, lines 28-29 (See Office Action, pages 9 and 10).

Nielson appears to disclose using a style sheet for the generating audio information generated by a voice synthesizer from text (Abstract). Applicants' style sheet is related to control a translator and/or transformer in a communication path between a client and a content provider. Thus, Jamtgaard modified by Nielson would result in Jamtgaard using a style sheet to control the

sound produced by audio information by a voice synthesizer, which is **nonsensical** since Jamtgaard fails to even disclose a voice synthesizer.

Moreover, Nielson fails to disclose session managing a session between a device and a content provider. Thus, Jamtgaard modified by the disclosure of Nielson would still fail to disclose, teach or suggest session managing to examine data content communicated between a device and a content provider and to identify and return state-based information comprising at least one of a hypertext history and a session token based on interactions between the device and the content provider, as recited by claims 18-22.

Accordingly, for at least all the above reasons, claims 18-22 are patentable over the prior art of record. It is therefore respectfully requested that the rejection be withdrawn.

Claim 28 over Jamtgaard in view of McCartney

In the Office Action, claim 28 was rejected under 35 U.S.C. §103(a) as allegedly being obvious over Jamtgaard in view of U.S. Patent Publication No. 2002/0010716 to McCartney et al. ("McCartney"). The Applicants respectfully traverse the rejection.

Claim 28 is dependent on claim 9, and is allowable for at least the same reasons as claim 9.

Claim 28 recites session managing to examine data content communicated between a device and a content provider and to identify and return state-based information comprising at least one of a hypertext history and a session token based on interactions between the device and the content provider.

McCartney is not prime facie prior art with respect to the claims of the present invention. The Applicants previously argued that the Examiner provides no prima facie evidence that the cited passages at page 2, paragraph 0020 and page 1, paragraph 0007 (See Office Action at 7) are all contained within any of the provisional applications.

As discussed above, Applicant does not have access to a copy of a provisional application which is not an application and is not abandoned. If the Examiner were to rely on subject matter within any of the provisional applications bearing an earlier filing date than the present application, then such provisional application must be formally cited, and the Applicant must be given a copy of such provisional application to have the ability to respond thereto.

Moreover, even if such provisional application were to contain the subject matter cited by the Examiner at page 2, paragraph 0020 and page 1, paragraph 0007, McCartney still fails to disclose, teach or suggest the present invention. In particular, the claims of the present application require session managing to examine data content communicated between a device and a content provider and to identify and return state-based information comprising at least one of a hypertext history and a session token based on interactions between the device and the content provider.

McCartney is relied on to disclose querying a provider database, receiving a previously registered XSL style sheet associated with a new content provider from a provider database, and optimizing a web site for clients having different capabilities (See Office Action, page 7).

McCartney discloses a system and method that generates web pages optimized for a client's capabilities, such as browser type, browser version, available transfer rate, display capabilities, and terminal device capabilities (Abstract). A server generates the web pages optimized for the client's capabilities (McCartney, Figs. 2 and 3).

McCartney discloses creation of original content web pages optimized for a client's capabilities, **NOT** session managing to examine data content communicated between a device and a content provider and to identify and return state-based information comprising at least one of a hypertext history and a session token based on interactions between the device and the content provider, as recited by claim 28.

Thus, Jamtgaard modified by the disclosure of McCartney would still fail to disclose, teach or suggest session managing to examine data content

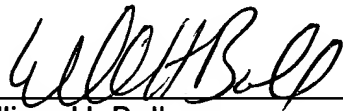
communicated between a device and a content provider and to identify and return state-based information comprising at least one of a hypertext history and a session token based on interactions between the device and the content provider, as recited by claim 28.

Accordingly, for at least all the above reasons, claim 28 is patentable over the prior art of record. It is therefore respectfully requested that the rejection be withdrawn.

Conclusion

All objections and rejections having been addressed, it is respectfully submitted that the subject application is in condition for allowance and a Notice to that effect is earnestly solicited.

Respectfully submitted,
MANELLI DENISON & SELTER PLLC



William H. Bollman
Reg. No.: 36,457
Tel. (202) 261-1020
Fax. (202) 887-0336

MANELLI DENISON & SELTER PLLC

2000 M Street, NW 7TH Floor
Washington, DC 20036-3307
TEL. (202) 261-1020
FAX. (202) 887-0336

WHB/df